

Case 1:19-cv-00110-MAC-ZJH Document 52 Filed 02/24/21 Page 1 of 1 PageID #: 181

EASTERN DISTRICT OF TEXAS

DAVID SMITH,

Plaintiff,

versus

DERRICK G. COLEMAN, *et al.*,

Defendants.

CIVIL ACTION NO. 1:19-CV-110

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff David Smith, an inmate confined at the Estelle Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends granting plaintiff's motion to dismiss his claims against defendants Calvin Tucker, Derrick G. Coleman, Malik Muldrew, and Antoinette Manuel.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. It is

ORDERED that plaintiff's motion to dismiss is **GRANTED**. Plaintiff's claims against defendants Calvin Tucker, Derrick G. Coleman, Malik Muldrew, and Antoinette Manuel are **DISMISSED** without prejudice.

SIGNED at Beaumont, Texas, this 24th day of February, 2021.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE